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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
SP-1093.2

First named inventor: Wong, Theodore M.

Application No.: 09/912,494

Art Unit: 1651

Filed: 7/24/2001

Examiner: Ware, D.

Title: Ultra Pure Vegetable Protein Materials

RECEIVED**APR 01 2004****OFFICE OF PETITIONS**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

1330.00

☒ Other than small entity - fee \$ ~~4,990.00~~ (37 CFR 1.17(m)).**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of Petition to Revive, Appeal Brief, Notice of Appeal (identify type of reply):☐ has been filed previously on _____.☒ is enclosed herewith.**B. The issue fee of \$ _____.**☐ has been paid previously on _____.☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

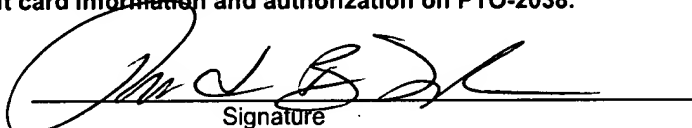
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.March 26, 2004

Date

Telephone

Number: 314-982-3004
SignatureRICHARD B. TAYLOR

Typed or printed name

Reg. No. 37,248P. O. BOX 88940, BUILDING 3C, LEGAL DEPARTMENT

Address

ST. LOUIS, MO 63188

Address

Enclosures:

☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Appeal Brief, Notice of Appeal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.March 26, 2004

Date


SignatureRICHARD B. TAYLOR

Typed or printed name of person signing certificate



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APR 01 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICE OF PETITIONS

In re Application of: Wong et al
Ser. No.: 09/912,494
Filed : 7/24/01
For: Ultrapure Protein Material

Examiner: Ware, D.
Art Unit: 1651

Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

**PETITION TO REVIVE ABANDONED APPLICATION UNDER
37 CFR §1.137(b)**

Sir:

Applicants' attorneys respectfully petition the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 CFR §1.137 on the ground that the abandonment of the above-identified application was unintentional. The abandonment occurred as a result of the failure of accidental mis-docketing of the application by the Applicants' attorney. The entire period for the delay from the due date for payment of the issue fee to the filing of this petition was unintentional.

It is submitted, therefore, that on the basis described above the abandonment should be held inadvertent, the case should be revived and the enclosed request for continued examination and information disclosure statement should be entered as responsive to the notification of allowance of the application.

Enclosed herewith is a notice of appeal, and an appeal brief in response to the last Official Action.

Please charge the petition fee in the sum required under 37 CFR §1.17(m), the notice of appeal fee, the brief in support of appeal fee, and any other necessary fees to our Deposit Account No. 50-0421.

Respectfully submitted,

Date: 3/23/04

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